

III. REMARKS

In the Office Action, Claims 1-3, 5-9, 11-18 and 20-24 were rejected under 35 U.S.C. 102 as being anticipated by Hiltunen (US 6,754,484) for reasons set forth in the Action. Claims 1, 10, 16, 19 and 22-24 were rejected under 35 U.S.C. 103 as being unpatentable over Alperovich (US 6, 119,014) in view of Willars (US 5,946,630) for reasons set forth in the Action.

The independent claims have been amended, and new claims are presented to provide a further distinction between the teachings of the cited art and the present invention. The claims are believed to contain allowable subject matter in view of the following argument.

Hiltunen discloses short messaging using information beacons. In the communication system of Hiltunen, the beacons function as storing and forwarding devices operable in a corresponding local operating region, and communicating with terminal devices that are located within the local operating region. Short messages can be private messages wherein only specified recipients are permitted access, or public messages whose access is not limited to specific users. When a user wishes to store a message to a beacon, the user writes the short message, defines a security code if the message is intended to be private, and sends the message to the beacon.

In one embodiment of Hiltunen, the message is sent directly to the beacon with which the sender's device is communicating. In other words, the device is in the operating range of the beacon wherein the "range definition" is directly in the operating range of the beacon. In another embodiment, the message can be

transmitted through a network to a desired beacon. In this alternative the sender defines the address of the beacon in the message, wherein the message is forwarded in the network on the basis of address information.

In Hiltunen, the message is delivered to the intended recipient's device as follows. When the recipient's device arrives to the operating range of the beacon in which a message is stored, the beacon checks whether there are public messages, which can be forwarded to any device arriving the operating range of the beacon, or private messages comprising recipient identification which corresponds with the identification information of the recipient's device. If it is determined that the message can be forwarded to the recipient's device, which arrived to the operating range of the beacon, the message is transmitted to the recipient's device. In other words, the location of the recipient's device is not determined by any positioning means. It is only determined whether the device is in the operating range of the beacon.

Moreover, in Hiltunen, the message does not contain any location information but the message is either transmitted to the beacon that the sender's device is communicating with (thus without any positioning data), or to the beacon defined by the address of the beacon. The address is not the same as the position of the sender's wireless communication device. Further, the range is not defined by the sender but it depends on the operating range of the beacon. Hence, the range may vary depending on e.g. the beacon in which the message is stored (different beacons may have different operating ranges) or changes in the environment of the beacon (e.g. moving "obstacles", temperature, humidity, etc. may affect the operating range of the beacon).

Alperovich discloses a short message delivery system. In the system, the sender writes the message, defines the recipient, and optionally defines the location wherein the short message is forwarded to the recipient's device only when it is in the defined location. The sender defines the location e.g. by manually entering coordinate data. The location of the sender's device is not determined or used in any way in the message definition. Further, the range data is not based on the data gathered using satellite positioning. Alperovich is silent also on using satellite positioning to determine the recipient's location. Therefore, Alperovich does not contain all the features of the independent claims of the subject application.

Willars teaches how to define a validity period to a short message. There are no other relevant features in Willars. Thus, the combination of Alperovich and Willars (employed by the examiner to show the validity period in the prior art) is not otherwise relevant for showing the present invention.

The claims are amended to state that the position of a recipient of the message is defined by using satellite positioning (e.g. a GPS receiver as mentioned in the last paragraph on page 5 of the present specification; also on page 7 at line 14, and page 8 at lines 14 and 35), that the range is defined on the basis of the position (not on the basis of the transmitting range of the beacon), and that the recipient's position is also determined by using the satellite positioning.

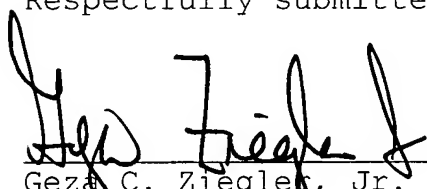
In view of the foregoing analysis of the teachings of the cited art, it is believed that the claims, as amended, are readily distinguished from the teachings of the cited art so as to

overcome the foregoing rejections and to provide allowable subject matter.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$500.00 is enclosed for the additional claim fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.
Reg. No. 44,004


20 June 2004
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 20 June 2006 Signature: 
Person Making Deposit